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Lawrence Chinese Evangelical Church
1644 Stratford Road
Lawrence, KS 66044

Re: KCIU-LP, Lawrence, KS
Facility ID No. 126284
Lawrence Chinese Evangelical Church
File No. BPL-20100928AGU

Dear Applicant:

This letter refers to the above-captioned application for a minor change and the request for waiver of the second adjacent channel spacing rules.

Waiver Request

In the application, Lawrence Chinese Evangelical Church ("LCE") proposes to operate station KCIU-LP on Channel 264L1 creating a second adjacent channel short-spacing to the license (BLH-19890718KB) and construction permit (BPH-20100921ACT) for station KDVV(FM), Topeka, KS, thus requesting waiver of Section 73.807.¹ LCE states that the channel currently authorized (279L1) in the license (BLL-20041118AEF) for KCIU-LP is receiving interference from co-channel translator station K279BI (BLFT-20100309ABW).²

Discussion

On December 11, 2007, the Federal Communications Commission released *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking.³ The *Third Report and Order* established the requirement for requesting waiver of § 73.807 regarding second adjacent channel spacing. To be considered for a waiver, there must be an impending encroachment or displacement action from a full-service FM facility that would severely impact or curtail the LPFM's operation. The second adjacent waiver procedures will be limited to those situations in which the implementation of the full-service new station modification would result in the full-service and LPFM stations operating at less than the

¹ LCE also includes a letter from KDVV stating that it has no objection to the instant application.

² An engineering study has revealed that the distance between KCIU-LP and K279BI is 94 kilometers. The minimum spacing requirement pursuant to 47 C.F.R. § 73.807 is 39 kilometers. KCIU-LP does not provide an exhibit demonstrating interference within its 60dBu primary service area.

³ See *Creation of a Low Power Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 07-204 (rel. December 11, 2007) ("*Third Report and Order*").

minimum distance set forth in Section 73.807. Therefore, a waiver request involving a fully spaced translator station will not qualify as an action to request the relief provided by the *Third Report and Order*.

Conclusion

Accordingly, in light of the above, the request for waiver of the second adjacent channel spacing rules IS DENIED and application BPL-20100928AGU being unacceptable for filing and IS HEREBY DISMISSED. This action is taken pursuant to Section 0.283 of the Commission's Rules.⁴

Sincerely,



Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

cc: Danny Langston

⁴ 47 C.F.R. § 0.283.